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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/749,139 | 12/27/2000 | Michael D. Pashley | US000386 | 4745 |

7590 01/03/2002

Jack E. Haken
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Intellectual Property Department
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| EXAMINER |
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ZEADE, BERTRAND

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,139

Applicant(s)

PASHLEY ET AL.

Examiner

Bertrand Zeade

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). 1
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2875

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-7, 12-15 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by McGaffigan (US.6,31,958).

McGaffigan (958) discloses an optical light pipe with laser light appearance having:

Regarding claim 1, an LED light source (31), a light transmitting rod or light pipe (200) which permits total internal reflection, and outcoupling material (67) affixed to an outer surface of the rod or light pipe (200).

Regarding claim 2, the light source further including a plurality of LEDS (1, 21, 31, 41, 81).

Regarding claim 3, the plurality of LEDs (1, 21, 31) includes at least a red, green, and blue LEDs which, when mixed, generate white light.

Regarding claim 4, the array of red, green, and blue LEDs (31) can be mixed to generate a variety of white light chromaticity (col. 7, lines 12-24).

Art Unit: 2875

Regarding claim 5, the array of red, green, and blue LEDs (31) can be mixed to generate dynamic color effects.

Regarding claim 6, the rod is a flexible rod (see fig. 30).

Regarding claim 7, the rod is rigid rod (see figs. 28-30).

Regarding claim 12, the rod is an elliptical rod in cross section (see fig. 15B).

Regarding claim 13, the rod is a square rod in cross-section (see fig. 19A).

Regarding claim 14, the rod is a combination of straight and curved edges in cross-section (see figs. 28A, 28B).

Regarding claim 15, the combination of straight and curved edges vary in configuration along the length of the rod (see figs. 28A-28B, 29-30).

Regarding claim 16, the outcoupling material includes a combination of white paint and fine dots or points with varying packing density (col. 11, lines 50-55).

Regarding claim 17, the luminary further includes a mirror at an end of the rod away from the light source (figs. 8 and 10).

Regarding claim 18, the mirror reflects light that travels the entire length of the rod or pipe (col. 9, lines 57-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2875

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan (958) in view of Endo et al. (US. 5,123,077).

Regarding claims 8-11 McGaffigan (958) discloses the claimed invention except for a white paint.

Endo ('077) discloses a light source device having:

Regarding claim 8, the outcoupling material is paint (col. 9, lines 57-61).

Regarding claim 9, the paint is a white paint (col. 9, lines 57-61).

Regarding claim 10, the white paint is distributed in such a way as to control angular distribution of light leaving the rod (40), (col. 9, lines 57-67)

Regarding claim 11, the white paint is distributed in such a way as to ensure uniform light distribution along the length of the rod (40), (col. 9, lines 57-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to utilize the optical light pipe with laser light appearance of McGaffigan (958) with the white paint disclosed by Endo ('077) in order to provide an improved fiber optics illumination system which is mechanically and optically efficient more specifically, it is an object for the pipe to provide an illumination including a light output thereof being distributed among a plurality of fiber optics light pipes which terminate in disposable light tips or working instruments.

Art Unit: 2875

Contact Information

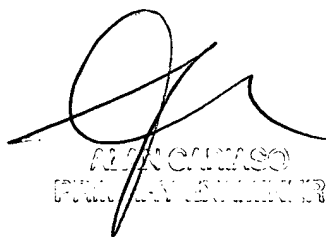
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is (703) 308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Examiner: Bertrand Zeade

December 24, 2001.



BERTRAND ZEADE
EXAMINER